

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

SCARLETT F. RICCI,)	
)	
Plaintiff,)	
)	Case No. 4:04cv00095
v.)	
)	<u>ORDER</u>
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	
)	By: Jackson L. Kiser
Defendant.)	Senior United States District Judge

On January 11, 2005, this Court entered an order referring this case to the Honorable B. Waugh Crigler, United States Magistrate Judge, for proposed findings of fact and recommended disposition. Magistrate Judge Crigler filed his Report and Recommendation on October 4, 2005. After reviewing the record in this case and no objections having been filed to Magistrate Judge Crigler's Report and Recommendation within ten (10) days of its service upon the parties, this Court adopts Magistrate Judge Crigler's Report in its entirety. Accordingly, it is this day **ADJUDGED** and **ORDERED** as follows:

1. The Report and Recommendation of the United States Magistrate Judge, filed October 4, 2005, shall be, and hereby is, **ADOPTED** in its entirety.

2. For the reasons stated in Magistrate Judge Crigler's Report, the Commissioner's final decision is **REVERSED** and the case is **REMANDED** for further proceedings consistent with Magistrate Judge Crigler's Report. If the Commissioner is unable to grant benefits on the current record, she is to forthwith recommit the case to a Law

Judge to conduct supplemental evidentiary proceedings in which each side may introduce additional evidence.

3. The clerk is directed to strike this case from the active docket of this Court and to send certified copies of this Order to all counsel of record and to Magistrate Judge Crigler.

ENTERED this 27th day of October, 2005.

s/ Jackson K. Kiser
Senior United States District Judge